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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION.

Case No. 8:18-cv-00852

Plaintiff.

vs.

WILLIAM M. JORDAN.

Defendant

**JUDGMENT AS TO DEFENDANT
WILLIAM M. JORDAN [5]**

JUDGMENT AS TO DEFENDANT WILLIAM JORDAN

The Securities and Exchange Commission having filed a Complaint and Defendant William Jordan (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in paragraph VI); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

It is ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
 - (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
 - (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a).

II.

It is ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;

1 (b) to obtain money or property by means of any untrue statement of a
2 material fact or any omission of a material fact necessary in order to make the
3 statements made, in light of the circumstances under which they were made, not
4 misleading; or

5 (c) to engage in any transaction, practice, or course of business which
6 operates or would operate as a fraud or deceit upon the purchaser.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
8 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
9 binds the following who receive actual notice of this Judgment by personal service
10 or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys;
11 and (b) other persons in active concert or participation with Defendant or with
12 anyone described in (a).

13 III.

14 It is ORDERED, ADJUDGED, AND DECREED that Defendant is
15 permanently restrained and enjoined from violating Sections 206(1) and 206(2) of
16 the Investment Advisers Act (the "Advisers Act") [15 U.S.C. § 80b-6(1) & (2)]
17 for any investment adviser, by use of the mails or any means or instrumentality of
18 interstate commerce, directly or indirectly –

19 (1) to employ any device, scheme or artifice to defraud any client or
20 prospective client;

21 (2) to engage in any transaction, practice or course of business which
22 operates as a fraud or deceit upon any client or prospective client.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
24 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
25 binds the following who receive actual notice of this Judgment by personal service
26 or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys;
27 and (b) other persons in active concert or participation with Defendant or with
28 anyone described in (a).

1 IV.

2 IT IS ORDERED, ADJUDGED, AND DECREED that Defendant shall pay
3 disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty
4 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)],
5 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)], or Section 209(e) of
6 the Advisers Act [15 U.S.C. § 80b-9(e)]. The Court shall determine the amounts
7 of the disgorgement and civil penalty upon motion of the Commission.

8 Prejudgment interest shall be calculated from May 18, 2017, based on the rate of
9 interest used by the Internal Revenue Service for the underpayment of federal
10 income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the
11 Commission's motion for disgorgement and/or civil penalties, and at any hearing
12 held on such a motion: (a) Defendant will be precluded from arguing that he did
13 not violate the federal securities laws as alleged in the Complaint; (b) Defendant
14 may not challenge the validity of the Consent or this Judgment; (c) solely for the
15 purposes of such motion, the allegations of the Complaint shall be accepted as and
16 deemed true by the Court; and (d) the Court may determine the issues raised in the
17 motion on the basis of affidavits, declarations, excerpts of sworn deposition or
18 investigative testimony, and documentary evidence, without regard to the standards
19 for summary judgment contained in Rule 56(c) of the Federal Rules of Civil
20 Procedure. In connection with the Commission's motion for disgorgement and/or
21 civil penalties, the parties may take discovery, including discovery from
22 appropriate non-parties.

23 V.

24 It is ORDERED, ADJUDGED, AND DECREED that the Consent is
25 incorporated herein with the same force and effect as if fully set forth herein, and
26 that Defendant shall comply with all of the undertakings and agreements set forth
27 therein.

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1 VI.

2 IT IS ORDERED, ADJUDGED, AND DECREED that, solely for purposes
3 of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11
4 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
5 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
6 amounts due by Defendant under this Judgment or any other judgment, order,
7 consent order, decree or settlement agreement entered in connection with this
8 proceeding, is a debt for the violation by Defendant of the federal securities laws or
9 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
10 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

11 VII.

12 It is ORDERED, ADJUDGED, AND DECREED that this Court shall retain
13 jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

14 VIII.

15 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
16 Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and
17 without further notice.

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19 Dated: June 7, 2018

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DAVID O. CARTER
U.S. District Court

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